

## **REMARKS**

The non-final Office Action of December 3, 2007 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1 and 11 have been amended. No new matter has been added. Claims 1-7, 11-17, and 21-27 remain pending upon entry of the present paper.

Applicant wishes to thank the Examiner for indicating the allowable subject matter with respect to claims 2 and 12.

### ***Rejections Under 35 U.S.C. § 101***

Claims 21-27 stand rejected under 35 U.S.C. § 101 because the claim is directed to non-statutory subject matter. Applicant respectfully traverses for the following reasons.

Applicant respectfully disagrees that the recited “machine-readable storage medium embodying a sequence of instructions . . .” as disclosed in claim 21 includes propagated signals.

Claim 21 does not recite machine-readable media (which may include signals), but instead, recites “machine-readable *storage* media”. Notably, “machine-readable storage media” as recited in claim 21 does not include propagated signals. As such, Applicant submits that the recitation of “machine-readable storage media” satisfies the requirements of 35 U.S.C. § 101. Applicant respectfully requests that this rejection be withdrawn.

### ***Rejections Under 35 U.S.C. § 102***

Claims 1 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kohno *et al.* (U.S. Patent No. 6,462,784 B1, hereinafter “Kohno”). Claims 21 and 24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Lee *et al.* (U.S. Patent No. 6,463,428, hereinafter “Lee”). Applicant respectfully traverses for the following reasons.

Amended independent claims 1 and 11 both recite, *inter alia*, modifying a non-textual attribute associated with the object by an incremental amount for each of at least two times that the object is selected, wherein modifying the attribute for at least two times that the object is selected *occurs in a common direction*, wherein each modification of the attribute includes

changing visible characteristic of the object, wherein each modification results in a different appearance of the object.

The Office Action of July 19, 2004 conceded that Kohno does not disclose the feature of modifying the attribute for at least two times that the object is selected occurs in a common direction. See Office Action of July 19, 2004, page 3. As such, Kohno does not anticipate claims 1 and 11.

With respect to claim 21, the Office Action asserts a new interpretation of Lee, in particular, changing the object from the “beads” to the actual “rolling” UI and selecting with each keypress of the vertical cursor keys. Applicant respectfully disagrees that this new interpretation teaches each and every element of claim 21. In particular, Lee fails to teach or suggest progressively modifying a non-textual attribute associated with the object by an incremental amount for each of at least more than two times that the object *is selected* as recited by claim 21.

Lee explains that the “Go key” may be pressed to permit selection of beads on the selected string and that the *cursor keys are used for navigation*. (emphasis added.) See col. 8, 36-39. Lee further describes that “multiple strings may be open and the vertical and horizontal cursor keys may be used to navigate among them *without reselecting any strings*.” See col. 8, lines 56-64. As such, Lee fails to teach or suggest that “each press of the vertical cursor keys warrants a *selection* of the UI tool” as asserted by the Office Action. See Office Action, page 5. Stated differently, each press of the vertical cursor keys does not warrant a selection of the UI tool, but instead navigates the UI tool already selected.

Therefore, Lee fails to teach or suggest progressively modifying a non-textual attribute associated with the object by an incremental amount for each of at least more than two times that the object *is selected* as recited by claim 21. As such, claim 21 is not anticipated by Lee and is allowable.

Claim 24 depends on claim 21 and is thus allowable for the same reasons as claim 21, in further view of the additional features recited therein.

***Rejections Under 35 U.S.C. § 103***

Claims 3, 4, 13, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kohno in view of Bedard (U.S. Patent No. 5,793,438, hereinafter “Bedard”). Applicant respectfully traverses this rejection for at least the following reasons.

Notwithstanding whether the combination of Kohno and Bedard is proper, Bedard fails to overcome the aforementioned deficiencies of Kohno with respect to claims 1 and 11. For example, Bedard fails to teach or suggest modifying a non-textual attribute associated with the object by an incremental amount for each of at least two times that the object is selected, wherein modifying the attribute for at least two times that the object is selected *occurs in a common direction* as recited in claim 1. Thus, claims 3, 4, 13 and 14, which depend from claims 1 and 11, respectively, are allowable for at least the same reasons as their respective base claims, and further in view of the additional features recited therein.

Claims 5-7 and 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kohno in view of Wilcox *et al.* (U.S. Patent No. 6,678,891 B1, hereinafter “Wilcox”). Applicant respectfully traverses this rejection for at least the following reasons.

Notwithstanding whether the combination of Kohno and Wilcox is proper, Wilcox fails to overcome the aforementioned deficiencies of Kohno with respect to claims 1 and 11. For example, Wilcox fails to teach or suggest modifying a non-textual attribute associated with the object by an incremental amount for each of at least two times that the object is selected, wherein modifying the attribute for at least two times that the object is selected *occurs in a common direction* as recited in claims 1 and 11. Thus, claims 5-7 and 15-17, which depend from claims 1 and 11, respectively, are allowable for at least the same reasons as their respective base claims, and further in view of the additional features recited therein.

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Bedard. Applicant respectfully traverses this rejection for at least the following reasons.

Notwithstanding whether the combination of Lee and Bedard is proper, Bedard fails to overcome the aforementioned deficiencies of Lee with respect to claim 21. For example, Bedard fails to teach or suggest progressively modifying a non-textual attribute associated with the object by an incremental amount for each of at least more than two times that the object is selected. Thus, claim 23 which depends from claim 21 is allowable for at least the same reasons as claim 21, and further in view of the additional features recited therein.

Claims 25-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Wilcox. Applicant respectfully traverses this rejection for at least the following reasons.

Notwithstanding whether the combination of Lee and Wilcox is proper, Wilcox fails to overcome the aforementioned deficiencies of Lee with respect to claim 21. For example, Wilcox fails teach or suggest progressively modifying a non-textual attribute associated with the object by an incremental amount for each of at least more than two times that the object *is selected*. Thus, claims 25-27, which depend on claim 21, are allowable for at least the same reasons as claim 21, and further in view of the additional features recited therein.

### **CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. Applicant looks forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,  
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